

EFSO

DISTRICT COURT
CLARK COUNTY, NEVADA

CASE NO.

DEPT. NO.

Plaintiff(s),

- VS-

ELECTRONIC FILING AND SERVICE ORDER

Defendant(s).

I GENERAL

A. APPLICATION OF ORDER

The Court hereby designates the above-entitled action an Electronic Filing (EFile) case, as described and governed by this Order. This case is assigned to the Electronic Filing Program (EFP) as created by the Clark County District Court Electronic Filing Program Service Agreement dated October 4, 2002 between Wiznet, Inc. and the District Court, Clark County, State of Nevada.

1 (hereinafter referred to as “Court”), or any successor program. All parties to the above case shall
2 enter into an Electronic Filing Subscriber Agreement with Wiznet or the then-current vendor (“the
3 Vendor”) prior to the commencement date hereinafter set forth. Statutory filing fees will be paid
4 directly to the Court as set forth below. This Electronic Filing and Service Order shall be filed and
5 served in the traditional manner. The commencement date for electronic filing and service shall
6 be _____, 20 _____. All subsequent filings and service upon parties shall be done
7 through the Vendor’s System.

8 B. DEFINITIONS

9 The following terms in this Order shall be defined as follows:

- 10 1. EDocument - An electronic file of a word processing document which
11 contains almost exclusively text.
- 12 2. EFile- Electronic transmission of an original document to the Court via the
13 Vendor’s system. An EFile consists of either an EDocument, an EImage,
14 or both.
- 15 3. EImage - An electronic file of a document that has been scanned or
16 converted to a graphical or image format.
- 17 4. Email - A system for sending and receiving messages electronically over a
18 computer network or a message or messages sent or received by such a
19 system.
- 20 5. EService - Electronic transmission of an EDocument or EImage to all other
21 designated recipients via the Vendor’s system by Email. After a successful
22 transmission to the Vendor’s system, a receipt sent by Email is issued
23 acknowledging confirmation by the Vendor’s system. The Vendor will
24 transmit the EDocument via a URL link to all recipients by Email
25 (including the filing party) identifying the filing. This Email shall serve as
26 proof that the document has been filed with the Vendor. The associated
27 EDocument will contain the file stamp in the right hand corner of the first
28 page.

1 C. ASSIGNMENT BY THE VENDOR OF EFP ACCESS INFORMATION

2 Upon proper registration to the EFP by the "Interested EFiled Party" and acceptance of
3 the EFiled Subscriber Agreement, the Vendor (system) shall assign to the party or the party's
4 designated representative(s) an account on the system with secured access via a user specified
5 "user name" and password. This security access information must be used in order to gain
6 access to the system to electronically file, serve, receive, review, and retrieve pleadings,
7 Orders, and other documents filed in the assigned case. No "Registered User" shall knowingly
8 authorize or permit his/her access information to be utilized by anyone other than authorized
9 and EFP registered attorneys or employees of the attorney's law firm, or designated co-counsel,
10 unless it has been established in writing, and furnished to the Vendor, that the designated party
11 may file documents on behalf of the assigning counsel.
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16 **II ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS**

17 A. SUBSEQUENT PLEADINGS

18 The Clerk shall not accept nor file any pleadings or instruments in paper form, except
19 for those listed in Section V of this Order.
20

21 Parties must EFiled a document through the Vendor system via the Internet at the
22 following URL:
23

24 clarkcounty.lawplace.com

25 B. MAINTENANCE OF ORIGINAL DOCUMENTS

26 Unless otherwise ordered by the Court, an original of all documents filed electronically,
27 including original signatures, shall be maintained by the party filing the document and shall be
28

1 made available, upon reasonable notice, for inspection by other counsel or the Court.

2 C. TIME FOR FILING AND EFFECT OF USE OF EFILE

3 Any pleading filed electronically shall be considered as filed with the Clerk of the
4 District Court when it is first transmitted to the Vendor and the transmission is completed
5 (filing party receives EMail from Vendor indicating date and time received). Vendor is hereby
6 appointed the agent of the Clerk of the District Court as to the electronic filing, receipt, service,
7 and/or retrieval of any pleading or document in the EFP. Upon receipt of a document, the
8 Vendor's system shall issue a confirmation that the document has been received. The
9 confirmation shall serve as proof the document has been received. Upon acceptance by Clerk,
10 the Vendor shall transmit an EMail to all subscribing parties stating that the document has been
11 received and filed. This EMail shall serve as proof that the document has been filed. The
12 document will be posted on the Vendor's system and available for downloading and/or
13 viewing.
14

15 D. SYSTEM OR USER FILING ERRORS

16 If it is shown that the electronic filing is not filed with the Court because of (1) an error
17 in the transmission of the document to the Vendor which was unknown to the sending party, or
18 (2) a failure to process the electronic filing when received by the Vendor, the Court may enter
19 an Order permitting the document to be filed nunc pro tunc.
20

21 **III FORM/FORMAT OF ELECTRONICALLY FILED DOCUMENTS**

22 A. FORMAT

23 All electronically filed documents shall, to the extent practicable, be formatted in
24 accordance with the applicable rules governing formatting of paper pleadings, and in such other
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1 or further format as the Court may require from time to time. The date and time of the hearing
2 or trial in connection with which the document is submitted shall be designated on the first page
3 of each document.
4

5 So that this case may be easily recognizable as an EFile case, all documents shall
6 contain the wording of "ELECTRONIC FILING CASE" directly under the Dept. No. on the
7 first page of each document.
8

9 CASE NO.

10 DEPT. NO.

11 (ELECTRONIC FILING CASE)

12 TITLE OF DOCUMENT
13

14 B. REPRESENTATIONS BY USING A TYPOGRAPHICAL SIGNATURE

15 Every pleading, document, and instrument filed in the EFile system shall be deemed to
16 have been signed by the attorney or declarant and shall bear a facsimile or typographical
17 signature of such person, along with the typed name, address, telephone number, and State Bar
18 of Nevada number of a signing attorney. Typographical signatures shall be treated as personal
19 signatures for all purposes under the Nevada Revised Statutes. A typographical signature shall
20 be as follows:
21

22 /s/ John L. Smith
23 JOHN L. SMITH.

24 However, the originating party must still comply with Paragraph II.B of this Order.

25 All documents which bear a judge's signature shall be scanned and Efiled so the judge's
26 original signature will be shown thereon.

27 C. ELECTRONIC TITLE OF PLEADINGS AND OTHER DOCUMENTS
28

1 The electronic title of each electronically filed pleading or other document shall include:

- 2 (1) the case number,
- 3 (2) the party or parties filing the document,
- 4 (3) the title of the document,
- 5 (4) the party or parties against whom relief, if any, is sought, and
- 6 (5) the nature of the relief sought (i.e., John Doe's Motion to Compel
- 7
- 8 Discovery from Jim Smith).
- 9

10 The electronic title shall be used for administrative purposes only. The caption and
11 signature page of any document filed shall comply with the Nevada Rules of Civil Procedure
12 and the Eighth Judicial District Court Rules.
13

14 15 **IV ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS**

16 Service upon other parties will be made by the Vendor electronically through the EFile
17 system. Parties or their designated counsel shall receive all documents EFiled through their
18 EMail system or via access to the Vendor's system. **It is imperative that all parties be**
19 **registered with the Vendor before they can either file or be served through the program.**
20 **Each party is responsible for the accuracy of their own service list through the Vendor's**
21 **system for this case.**
22

23 A. EFFECT OF ELECTRONIC SERVICE

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25 The electronic service of a pleading or other document shall be considered as valid and
26 effective service on all participants and shall have the same legal effect as an original paper
27 document.
28

1 B. CASE PORTFOLIO AND SERVICE LIST MANAGEMENT

2 Upon successfully registering in the system, each registrant must update their Case
3 Portfolio with this Case Number. This ensures that you can file a document in this case. In the
4 event that the attorney or firm is already registered in the Vendor's system, then it is incumbent
5 upon the attorney to update their respective Case Portfolio.
6

7 In addition to updating the respective Case Number, it is also incumbent upon the
8 attorney or designated staff member to add the firm's EMail address in order to receive
9 electronic service for this case. This is accomplished by the Service List Manager that will
10 enable you to add as many EMail accounts as you require in order to effect electronic service.
11 You can create this electronically by selecting "Service Manager List" and then selecting
12 "Create Service List." Individual law firms' service lists will then be merged into the master
13 service list for this case which can be viewed and/or printed at the user's request.
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16 A confirming EMail will be sent to the filing party indicating a successful filing, as well
17 as listing all firm names and EMail accounts to which the document has been electronically
18 served. This confirming EMail will constitute proof of service should it be required by the
19 court or opposing counsel.
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21 The designated user (either attorney or support staff member) will be responsible for
22 timely distribution of all EFilings to co-counsel and all relevant staff within their respective law
23 firms.
24

25 It is incumbent upon the attorney to update both their case portfolio, as well as their
26 electronic service list for this case. **Until this is done, you will not be able to EFile in this**
27 **case nor will you receive electronic service of documents by other parties.**
28

1 C. SERVICE ON PARTIES; TIME TO RESPOND OR ACT

2 EService shall be deemed complete at the time an EMail message containing a URL
3 link to that EDocument has been sent by the Vendor's system as reflected by the file stamp
4 appearing on the electronic transmittal. Notwithstanding any prior Order of this Court, any
5 period of notice or any right or duty to do any act or make any response within any period or on
6 a date certain after the service of the document, which time period or date is prescribed by
7 statute or rule of Court, shall be extended after service by electronic transmission by two (2)
8 Court days in lieu of the 3 days
9 from mailing as set forth in EDCR 1.14(c). This extension shall not apply to extend the time
10 for filing notice of intention to move for new trial, or to move to vacate judgment pursuant to
11 NRCP 59, or notice of appeal.

12 D. SYSTEM OR USER SERVICE ERRORS

13 If electronic service on a party does not occur because of (1) an error in the transmission
14 of the document to a party which error was unknown to the serving party or Vendor, (2) a
15 failure to process the electronic filing for service when received by the Vendor, or (3) the party
16 was erroneously excluded from the service list, the party to be served, in the absence of
17 extraordinary circumstances, shall be entitled to an Order extending the date for any response or
18 the period within which any right, duty or other act must be performed.
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25 **V CONVENTIONAL FILING OF DOCUMENTS**

26 Notwithstanding the foregoing, the following types of documents may be filed
27 conventionally and need not be filed electronically, unless expressly required by the Court.
28

1 A. DOCUMENTS FILED UNDER SEAL

2 A motion to file documents under seal shall be filed and served electronically.

3
4 However, the documents to be filed under seal shall be filed in paper form.

5 B. EXHIBITS AND REAL OBJECTS

6 Exhibits to declarations that are real objects, i.e., construction materials, core samples,
7 etc. or other documents, i.e. plans, manuals, etc., which otherwise may not be comprehensibly
8 viewed in an electronic format may be filed and served conventionally, in paper form.
9

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11 **VI COLLECTION OF FEES**

12 A. COURT FEES

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14 Any document requiring payment of a filing fee to the Clerk of District Court in order to
15 achieve valid filing status shall be filed electronically in the same manner as any other EFile
16 document. If a filing fee is required, immediately upon filing, the filing party shall send to the
17 Clerk of District Court a photocopy of the face sheet of the filing with the Case No. indicated
18 thereon, plus a check for filing fee(s) in the proper amount in accordance with the current Clark
19 County District Court Schedule of Fees. Statutory filing fees must be tendered to the Clerk
20 immediately following an electronic filing and must in any event be postmarked no later than
21 the next business day following the electronic filing. However, if a filing fee is due on any ex
22 parte application, it must be received by the clerk no later than 24 hours following an electronic
23 filing.
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26 B. VENDOR FEES

1 There will be a \$95.00 annual registration fee per user. The Vendor filing fee will be
2 \$10.00 per filing. Each document must be filed separately. **For example, an answer to third**
3 **party complaint and a motion to consolidate must be filed as two separate filings and a**
4 **Case Filing Form must be completed for each. That is the only way that each document**
5 **will be file stamped as the Vendor would have no way of knowing if one document is an**
6 **attachment to another or if it should have its own file stamp.**
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10 **VII SERVICE OF ELECTRONIC FILING ORDER ON NEW PARTIES**

11 **Any litigant filing a complaint or adding a party to this case by filing of an**
12 **amended complaint, third party-complaint, complaint in intervention, interpleader or**
13 **other initiating document shall be obligated to serve this Electronic Filing and Service**
14 **Order at the same time the pleading is served.**
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17 DATED this _____ day of _____, 20____.

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21 _____
DISTRICT COURT JUDGE

22 Submitted By:
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